

5-12-00
12380.7



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

Dear Permittee(s):

Our transmittal letter cites a new Department of the Army administrative appeal rule for permit decisions that went into effect March 9, 1999. In accordance with this rule, we have included in your permit package a Notification of Administrative Appeal Options and Process and Request for Appeal (NAO-RFA) form.

You may decline to accept a permit if you object to any of the terms or conditions, **and** you believe that these terms or conditions are based on procedural errors; incorrect data; omission of fact; incorrect application of current Federal manual or guidance associated with wetlands; or incorrect application of a law, regulation, or policy that governs our permit program. If you wish to decline the permit, you must complete the NAO-RFA form explaining your objections for not accepting it. You must return this NAO-RFA form and the two permit forms within 60 days from the date on the NAO-RFA form. Once you sign our permit, you waive the right to further appeal unless we later modify the permit. After we receive and evaluate your initial objection letter, we either modify the permit to address some or all of the objections, or elect not to modify the permit. We re-submit it to you for signature. You may either accept the permit, or decline. A diagram entitled "Applicant Options with Initial Proffered Permit," describing applicant options for declining the special conditions of a permit, is enclosed with your package (Appendix B).

If you do decline to accept the permit a second time, you may then formally appeal the permit to our Northwestern Division office (Division Engineer, ATTN: Mores Bergman, Omaha address on NAO-RFA form) by submitting a completed and acceptable NAO-RFA form within 60 days from the date of the letter transmitting the second permit. We will send this form to you again with the modified or non-modified permit. Our Division office has 90 days to resolve the appeal with you once your completed and acceptable NAO-RFA form has been received. Details of the appeal process are outlined in the enclosed diagram entitled "Administrative Appeals Process for Permit Denials and Proffered Permits" (Appendix A).

If you have any questions about your options or the appeal process in general, please contact the project manager indicated on the form.

Enclosure 2
Rev. 12 May 2000



AGC2C000018